



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

BZA Staff Report

To: Board of Zoning Appeals Members

From: Alex Getchell, Associate Planner

Date: February 23, 2016

Re: Cases ZB 2016-02 (UV) | Journey Church of Franklin, Inc.

REQUESTS:

Case ZB 2016-02 (UV)...Journey Church of Franklin, Inc. A request for a variance of use from the City of Franklin Zoning Ordinance, Article 3, Chapter 21 to allow the operation of a church or other place of worship, in the IBD: Industrial, Business Development zoning district. The proposal includes Lots 3 & 4 in Hudson Commercial Park, with common addresses of 3062 & 3082 Hudson Street, and is 2.68 acres in size.

PURPOSE OF STANDARD:

The “IBD”, Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

CONSIDERATIONS:

Proposed Use

1. Journey Church of Franklin (Petitioner) is proposing to operate a “church or other place of worship” on Lots 3 & 4 of Hudson Commercial Park, which together are 2.68 acres of industrial zoned land.
2. Petitioner would solely occupy the 14,700sq. ft. existing facility, would have 3 employees, and is committing to a limit on the seating capacity of the sanctuary, that capacity will never exceed the occupant load as outlined in the Indiana Building Code or the parking requirements outlined by the Zoning Ordinance. See the Petitioner’s attached Existing and Proposed Floor Plans [[Exhibit A](#)].
3. Church or Other Place of Worship is defined as “The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. Church includes synagogue, temple, mosque or any other like facility used for worship and religious activities.”
4. A “church or other place of worship” is listed as a permitted use in the A (Agricultural), RR (Residential: Rural), MXD (Mixed-Use: Downtown Center), and IN (Institutional) zoning districts.
5. A “church or other place of worship” is listed as a Special Exception Use in the MXN (Mixed Use: Neighborhood Center), MXC (Mixed-Use: Community Center), MXR (Mixed-Use: Regional Center), RSN (Residential: Suburban Neighborhood), RS-1,2,3 (Residential: Suburban One, Two, & Three), RTN (Residential: Traditional Neighborhood), RT-1,2,3 (Residential: Traditional One, Two, & Three), RM (Residential: Multi-family), and RMH (Residential: Mobile Home Park) zoning districts.

6. A “church or other place of worship” is listed as a non-permitted use in only the IBD (Industrial: Business Development), IL (Industrial: Light), or IG (Industrial: General) zoning districts.

Parking Requirements

7. Article 7, Chapter 10 of the Zoning Ordinance states “Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use is permitted by this Ordinance. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Chapter.”
8. According to Article 7, Chapter 10, Parking Standards:
- A minimum of 1 off-street parking space is required for (rounded to the nearest complete space):
 - Every 3 seats in a church (or other place of worship);
 - Each employee working on the largest shift; and
 - Each business vehicle stored on-site.
 - At least one (1) space must be reserved for disabled persons for every 25 parking spaces provided.
 - Minimum parking stall size is 9’ x 18’ and must be striped.
 - Each parking space must be paved with asphalt or concrete.
9. Therefore, according to Article 7.10, the number of off-street parking spaces required for the proposed use are as follows:
- Every 3 seats in a church (currently proposing 120 seats): 40 spaces
 - Employees on largest shift (3): 3 spaces
 - Business vehicles (0): 0 spaces
 - Disabled Persons spaces required: 2 spaces
 - **TOTAL SPACES REQUIRED: 43 spaces**
 - **TOTAL SPACES PROVIDED: 44 spaces**
10. At least two (2) spaces provided must be reserved for disabled persons, consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.
11. The property has an existing paved parking lot, which a previous site development plan submittal (no action) indicated has 44 parking spaces. The parking lot was installed without the appropriate approvals and is therefore considered non-conforming.
12. The existing 14,700 sq. ft. building and the majority of the parking lot are located on Lot 4, while a portion of 17 parking spaces extend onto Lot 3 of Hudson Commercial Park. Since the petitioner is proposing to purchase both lots, it is reasonable to assume that additional parking can be provided in the future, should the petitioner desire to increase the seating capacity of the sanctuary.

Comprehensive Plan & Zoning Ordinance

13. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. “Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor’s offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved.”

14. The 2013 Franklin Comprehensive Plan, Land Use Plan indicates the current inventory of industrial land may not be adequate, and goes on to state that “more (industrial) land is needed to accommodate a variety of employer sites.”
15. The 2013 Comprehensive Plan, Land Use Plan also discusses the importance of maintaining an adequate inventory of available industrial land. “The land does not have to be completely developed, but should at least be zoned appropriately to protect it from competing uses.”
16. The 2013 Comprehensive Plan set five Land Use Goals; Land Use Goal 4 is as follows: “Ensure that Franklin has an adequate supply of appropriately located industrial land ready for development.”
17. According to Article 2.5: A special exception or variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within 2 years of the date the approval is granted.
18. According to Article 11.3: Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if (1) the property conforms with the Ordinance as written or (2) the variance is terminated.
19. The surrounding zoning and land uses are as follows:

Surrounding Zoning:

North: IBD, Industrial: Business Development
 South: IBD, Industrial: Business Development
 East: IBD, Industrial: Business Development
 West: IBD, Industrial: Business Development

Surrounding Land Use:

North: Pickett Contractor Storage Yard
 South: Countertop Connections (Manufacturing)
 East: Agricultural Field
 West: MidWest Lawn Inc.; ServiceMaster Clean
 Summers Plumbing Heating & Cooling

CRITERIA FOR DECISIONS – USE VARIANCE (VARIETY STORE):

(The petitioner will need to address the Criteria for Decisions in their presentation**)**

In taking action on all use variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code. The Board may grant a use variance of this Ordinance if, after a public hearing, it makes findings of facts in writing (consistent with IC 36-7-4-918.4) that:

DECISION CRITERIA – USE VARIANCE (VARIETY STORE)

1. *General Welfare: The approval (will or will not) be injurious to the public health, safety, morals, and general welfare of the community.*

Staff Finding:

Staff does not believe the approval of the use variance, with the petitioner’s proposed parking/seating-capacity commitment, will be injurious to the public health, safety, or general welfare of the community. However, the atypical traffic patterns created by a church in an industrial park could cause conflicts between industrial delivery vehicles and general passenger vehicles navigating in the area. Additionally, staff is aware several of the businesses in the Hudson Commercial Park have experienced issues with delivery vehicles finding their properties. The petitioner and Board should take note that due to the proposed location, the limited signage options available to direct church-goers to the site, and the greater number of non-employee/regular vehicle trips to the property (as compared to neighboring industrial uses), traffic hazards could be created by confused or lost motorists.

2. *Adjacent Property: The use and value of the area adjacent to the property included in the variance (will or will not) be affected in a substantially adverse manner.*

Staff Finding:

Staff finds the use and value of adjacent properties would not be affected in a substantially adverse manner, as the proposed use is less intense in nature than the surrounding industrial properties.

3. *Condition of Property: The need for the variance (arises or does not arise) from some condition peculiar to the property involved.*

Staff Finding:

Staff finds that the need for the variance does not arise from a condition peculiar to the property involved, as the property was designed and constructed for, and previously operated as, an industrial use, in an industrial zoning district. Lot 3 & 4 could be developed and/or expanded for a single industrial user, or two industrial users on two lots. There is nothing peculiar about the properties in question that prevents or discourages permitted uses from developing. In fact, development and build-out of the Johnson Industrial Park and Hudson Commercial Park has been occurring regularly over the last few years; Lot 3 is one of last remaining lots to be developed.

4. *Unnecessary Hardship: The strict application of the terms of this Ordinance (will or will not) constitute an unnecessary hardship as they are applied to the property for which the variance is sought.*

Staff Finding:

Staff finds that the strict application of the terms of the Ordinance will not result in an unnecessary hardship, as the two industrial lots are of an appropriate size and location to support development/operation of two small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses, as permitted by the IBD (Industrial: Business Development). Additionally, “churches or other places of worship” are permitted, including by Special Exception, in 17 of 20 zoning districts offered in the City of Franklin; therefore, staff does not believe a hardship is created by the strict application of the terms of the Ordinance. The only other uses permitted in as many or more zoning districts, are parks/playgrounds, nature preserves, water towers, and police, fire, or rescue stations.

5. *Comprehensive Plan: The granting of the variance (does or does not) interfere substantially with the Comprehensive Plan.*

Staff Finding:

Staff finds the granting of the use variance will substantially interfere with the Comprehensive Plan. The Comprehensive Plan designates this area as a business development area, and further classifies these areas as being set aside for manufacturing, light industrial operations, contractor’s offices, and products suppliers. Moreover, the Comprehensive Plan specifically mentions the already inadequate inventory of available industrial properties, and goes on to emphasize industrial lands should be “at least zoned appropriately to protect from competing uses.”

Furthermore, the 2013 Comprehensive Plan, Land Use Plan set five land use goals; Land Use Goal 4 is as follows: “Ensure that Franklin has an adequate supply of appropriately located industrial land ready for development.” One of the reasons the Comprehensive Plan uses the language “ready for development,” is because appropriately locating industrial developments can be a very difficult and time-consuming process, which often times results in businesses choosing locations in other cities, because ground was “ready for development” in a more timely manner.

Therefore, staff finds the granting of the requested use variance, for a non-industrial “competing use” to occupy two “ready for development” industrial zoned lots, within a developing industrial subdivision, would substantially interfere with the Comprehensive Plan.

STAFF RECOMMENDATION – USE VARIANCE

Based on the written findings above, staff recommends **denial** of the use variance petition.